

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SUSANNA MIRKIN and BORIS MIRKIN,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

XOOM ENERGY, LLC and XOOM ENERGY
NEW YORK, LLC,

Defendants.

No. 18 Civ. 2949 (ARR) (JAM)

**DECLARATION OF MICHAEL D. MATTHEWS, JR. IN SUPPORT OF XOOM'S
OPPOSITION TO PLAINTIFF'S MOTION *IN LIMINE*
TO EXCLUDE THE TESTIMONY OF DAVID COLEMAN**

Michael D. Matthews, Jr., under penalty of perjury, declares as follows:

I am a partner of the law firm McDowell Hetherington LLP, attorneys for Defendants XOOM Energy, LLC and XOOM Energy New York, LLC. I submit this Declaration in support of XOOM'S Opposition to Plaintiff's Motion *in Limine* to Exclude the Testimony of David Coleman.

1. Annexed hereto as **Exhibit A-1** is a true and correct copy of the Expert Report of David Coleman updated on October 31, 2022.

2. Annexed hereto as **Exhibit A-2** is a true and correct copy of the Rebuttal Expert Report of David Coleman dated November 4, 2022.

3. Annexed hereto as **Exhibit A-3** is a true and correct copy of relevant excerpts from the deposition of David Coleman dated November 16, 2022.

4. Annexed hereto as **Exhibit A-4** is a true and correct copy of the Expert Report of Derya Eryilmaz and Seabron Adamson dated October 3, 2022, without attachments.

5. Annexed hereto as **Exhibit A-5** is a true and correct copy of the Amended Expert Report of Seabron Adamson dated May 10, 2024, without attachments.

6. Annexed hereto as **Exhibit A-6** is a true and correct copy of relevant excerpts from the deposition of Seabron Adamson dated November 8, 2022.

7. Annexed hereto as **Exhibit A-7** is a true and correct copy of relevant excerpts from the deposition of Derya Eryilmaz dated November 15, 2022.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 10, 2024.

A handwritten signature in black ink, appearing to read "Michael D. Matthews, Jr.", written over a horizontal line.

Michael D. Matthews, Jr., Esq.